IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 13673 of 2002

Between:

B.Janardhan Rao, S/o. Subba Rao,
R/o. H.No. 9-11-82, Kamanbazar,
Khammam.

..... PETITIONER

AND

The Grampanchayat Khanapuram, Rep. by its Panchayat Secretary,(Haveli) Village,
Khammam Urban Mandal,
Khammam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of Mandamus declaring the proceedings of the respondent vide Rc.No.131/2002, dt.20-2-2002 and further proceedings issued in Rc.No.131/2002 dt:20-3-2002 and also action of the respondent in trying to demolish the existing structures in the land of the petitioner's in Sy.No.119 of Khanapuram (Haivali), Khammam Urban Mandal, Khammam District, without initiating any proceedings is illegal, arbitrary, contrary to record, violative of principles of natural justice and also violative of 300A Constitution of India and consequently direct the respondent to grant permission for construction of residential house as per the plan submitted by the petitioner.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

O R D E R :

1. This Writ Petition has been filed assailing the proceedings of the Panchayat Secretary of Gram Panchayat, Khanapuram (Haveli) village, Khammam vide Rc.No.131/2002, dated 22.2.2002 and 20-3-2002.

2. Heard learned counsel appearing for the petitioner and Government Pleader for Panchayat Raj appearing for the respondent.

3. Learned counsel for the petitioner submits that the petitioner purchased land admeasuring 1645.92 square yards situated in Sy.No.119 of Khanapuram (Haveli) Grampanchayat, Khammam Urban Mandal, Khammam District under a registered sale deed No.2471/92, dated 10-8-1992 from its rightful owner and possessor namely Sri.Ch.suryanarayana, S/o Venkaiah for a valuable consideration and therefore rejection of the application by the Panchayat Secretary, Gram Panchayat, Khanapuram (Haveli) village, Khammam for construction of RCC building in the said land is not legal and proper and therefore the same is liable to be set aside.

4. As seen from the records the respondent-Panchayat Secretary rejected the application filed by the petitioner for construction of RCC building in his land admeasuring 1645.92 square yards situated at S.No.119 of Khanapuram (Haveli) Gram Panchayat, Khammam Urban Mandal, Khammam District on 22.2.2002 and 20-3-2002. The reason offered for rejection is that the land in question has been shown as Green Belt Land. It is the contention of the learned counsel for the petitioner that the land does not come under Green Belt Land and therefore the rejection order passed by the Secretary of respondent-Gram Panchayat is wholly unjustifiable. Since the impugned orders have been passed by the Panchayat Secretary, an appeal lies to the Gram Panchayat under section 128 of A.P. Panchayatraj Act, 1994.

5. Accordingly this Writ Petition is disposed giving liberty to the petitioner to work out the efficacious remedy as provided under A.P. Panchayatraj Act, 1994.

Dated: 05-07-2005. (B.Seshasayana Reddy, J)

Tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Panchayat Secretary, Grampanchayat Khanapuram (Haveli) Village, Khammam Urban Mandal,Khammam District.
2. Two copies to Government Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad. (OUT).
3. 2 CD copies